



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2011 Biennium

Bill #	SB0424	Title:	Control disposal of mercury thermostats
Primary Sponsor:	Barkus, Gregory D	Status:	As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
Expenditures:				
General Fund	\$5,000	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$5,000)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact:

This bill has no significant fiscal impact to the Department of Environmental Quality (DEQ).

FISCAL ANALYSIS

Assumptions:

- DEQ will develop and adopt rules to implement statute. DEQ has responsibility for rule development and program oversight. It is anticipated that the rules will be written to allow reciprocity with other state approved mercury thermostat collection programs.
- DEQ will provide oversight of the operation of the programs. Through rule making, DEQ will detail required elements and reporting procedures of programs. DEQ will gather and review required annual reports on program operations and effectiveness. Additionally, if deficiencies are noted, DEQ may require that the manufacturers revise their program to meet requirements. This is expected to take less than 60 hours annually.
- DEQ must maintain or link to a website containing the following information:
 - A list of "manufacturers" in compliance with the program,
 - An informational area to post annual reports, and
 - Other required program information.

This will be done in conjunction with general recycling information.

4. SB 424 states that after January 1, 2010, a person may not sell, offer for sale, or install a mercury-added thermostat in Montana. In response, the hazardous waste program anticipates conducting spot checks of independent hardware stores and chain stores for compliance with this prohibition on the sale of mercury-added thermostats during the course of routine hazardous waste compliance evaluations.
5. Overtime will be used the first year to set up the program and establish rules and is estimated to be \$5,000.

	<u>FY 2010</u> <u>Difference</u>	<u>FY 2011</u> <u>Difference</u>	<u>FY 2012</u> <u>Difference</u>	<u>FY 2013</u> <u>Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Personal Services	\$5,000	\$0	\$0	\$0
TOTAL Expenditures	\$5,000	\$0	\$0	\$0
<u>Funding of Expenditures:</u>				
General Fund (01)	\$5,000	\$0	\$0	\$0
TOTAL Funding of Exp.	\$5,000	\$0	\$0	\$0
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
TOTAL Revenues	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$5,000)	\$0	\$0	\$0

Technical Notes:

1. The definition of "manufacturer" in section 2(2) can be read to include a business that owns, but did not necessarily manufacture, one name-brand mercury-added thermostat that was sold in Montana or even a business that owned one such thermostat in the past but may not own it now.
2. Section 11, the codification instruction, refers only to the title and part rather than title, chapter, and part.
3. As written, no provision of SB 424, including the prohibition on sale or installation of mercury added thermometers, has an enforcement mechanism. Modification of the codification instruction to codify the bill in a specific chapter and part of Title 75 would provide enforcement mechanisms.

*Sponsor's Initials*_____
*Date*_____
*Budget Director's Initials*_____
Date